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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

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The meeting was called to order at 10.30 a.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1990/6 and 7)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA (agenda item 6) (continued) (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1)

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STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (agenda item 16 (a)) (continued)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 16 (b)) (continued) (E/CN.4/1990/37, 38 and 50; E/CN.4/1990/NGO/7; E/CN.4/Sub.2/1989/8 and Add.1)

1. Mr. AL-SABAH (Observer for Kuwait) said that the interim report of the Ad hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) testified to the South African Government's insistence on pursuing its policy of apartheid and thus causing the situation in that country to deteriorate further. His delegation endorsed the recommendations contained in the report and supported all international efforts, including the application of mandatory sanctions, to compel the régime in that country to abandon its policies. Kuwait continued to support the struggle of the South African people for the exercise of its legitimate rights.

2. The Government in Pretoria continued to believe in the myth of racial superiority, although the latter had been rejected by science and religion and condemned by the international community for its denial of equal human rights. The international community had a responsibility to aid the South African people in the struggle to put an end to apartheid, which was an affront to all mankind. The links maintained by some developed countries and transnational corporations with the South African régime, in pursuit of narrow self-interest, enabled that régime to persist in its brutal policy of denying to the majority population its most elementary human rights; that was the more deplorable in that some of those countries regarded themselves the champions of such rights. His delegation called on the developed countries to curtail their links with the South African Government, since any support for that régime was tantamount to supporting apartheid.

3. While welcoming the South African President's announcement of the unconditional release of Nelson Mandela, his Government endorsed the call for the release to be carried out as quickly as possible, for the release of all others imprisoned on account of their struggle for the promotion of human rights for the majority people, and for a speedy end to the state of emergency in South Africa.

4. The international community should likewise take steps against the dangerous axis represented by the collaboration between the South African régime and the Zionist régime of Israel, which posed a threat to world peace.

5. Mr. MUTAMBIRWA (Commission of the Churches on International Affairs), speaking on behalf of the World Council of Churches, said that, on 2 February 1990, President de Klerk of South Africa had announced what he had termed "far-reaching decisions" on the road towards constitutional and social changes which would affect all the peoples of South Africa.

6. The formidable list of changes announced had been welcomed by Archbishop Desmond Tutu and the Reverend Frank Chikane, General Secretary of the South African Council of Churches. In that connection, the part played by the anti-apartheid movement and the mass struggle by the people of South Africa, in which church leaders had played a significant role, and the historic actions of solidarity by the international community, spearheaded by the United Nations and other international agencies like the World Council of Churches, should be remembered. More specifically, the announcements had to be weighed against the demands of the South African people which were supported by the international community.

7. While Nelson Mandela was to be released unconditionally, many of his comrades would continue to languish in gaol and be liable to execution. Moreover, there was no reference to the return of exiles, who would be needed by the organizations which had been unbanned. The repressive apartheid state machinery, particularly the Internal Security Act, was still in place.

8. Other security legislation was still in force, and the Labour Relations Act was still being applied against trade unions. There was no reference to a constituent assembly as a means of identifying genuine and popular leaders to participate in drawing up a new constitution and no offer of guarantees, by way of international participation, to ensure a free and fair process. No clear principles had been voiced with regard to wages and job opportunities or to counter discrimination and privilege.

9. Consequently, although the constitutional principles outlined reflected a possible negotiating position, they lacked the specific provisions of the Declaration on Apartheid and its Destructive Consequences in southern Africa. For that reason, pressure had to be maintained against the apartheid State; indeed, the comprehensive and mandatory sanctions should be stepped up. To fail to do so would be to place too much faith in the President of South Africa and to risk the lives of activists who might return to that country on the basis of his promises. The steps taken by the Prime Minister of the United Kingdom were premature and might easily slow the pace towards negotiating the end of apartheid.

10. The situation of patriots under sentence of death was of particular concern, if no distinction were made between political offences and common crimes. The World Council of Churches would maintain its campaign for the abolition of the death penalty, and a comprehensive amnesty was necessary if normal political activity was to be possible.

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11. The World Council of Churches was ready to play a constructive role in any international efforts to bring peace to South Africa. It would like to believe the South African President's words that the time for reconstruction and reconciliation had arrived, but hoped that he could demonstrate to the South African people that his offers concealed no pitfalls.

12. Mr. ENDREFFY (Hungary) said that the findings of the Ad hoc Working Group of Experts on southern Africa in its latest report (E/CN.4/1990/7) clearly showed that the Commission's continued attention to the effects of apartheid on human rights was fully justified. The thread that linked the various types of human rights violations was the apartheid policy of the South African Government. The Hungarian people and Government regarded discrimination, on whatever grounds, as a most inhuman and humiliating form of human rights violation.

13. Unlike the situation in the Middle East, that in southern Africa seemed to be improving, sterile confrontation giving way, slowly but surely, to a spirit of co-operation which must be nurtured. The maintenance of a dialogue with all parties, including the Government of the Republic of South Africa, could help to lessen tension in the region and promote the democratization process in South Africa.

14. Events in Namibia, in addition to the latest news from South Africa, gave grounds for cautious optimism. Namibia was close to independence. Free and fair elections had been held under United Nations supervision, the Constituent Assembly would shortly enact a constitution and Namibia would be free and independent at long last. For Hungarians it had been a privilege to take part in the process, through their presence in the UNTAG civilian police component.

15. The positive steps announced by the President of South Africa in his recent speech signalled a genuine change on the part of the Government which should be recognized and welcomed. More, of course, had to be done: all political prisoners should be released, the state of emergency should be lifted and all political trials and executions should be ended. Those steps, together with the measures already announced, would create a climate conducive to negotiations for the creation of a united, non-racial and democratic South Africa and it was to be hoped that the Commission's discussions and resolutions would help to bring that goal closer.

16. Mr. JAEGER (Federal Republic of Germany) said that the degrading policy of apartheid, for whose abolition by peaceful means his Government had consistently striven, persisted essentially unchanged in South Africa, thus remaining at variance with the fundamental principle of his country's policy: the preservation of human rights, democracy and the rule of law. A central goal of his country's foreign policy was world-wide respect for human rights. Protection of human dignity was the key concept of the Constitution; every Government of the Federal Republic of Germany was therefore obliged to seek the observance of human rights throughout the world and any form of racial discrimination was rejected.

17. His Government welcomed the measures recently announced by the President of South Africa and hoped that they would be quickly translated into practice, especially that concerning the release of Nelson Mandela and other political prisoners. Those measures partly met the demand, voiced for years by his Government and its European partners, for an improved political climate so

that a dialogue between the South African Government and the majority population's representatives could begin. His Government believed, like its European partners, that political pressure on the South African Government must be maintained until far-reaching irreversible progress towards the removal of apartheid was detectable.

18. Protection of human dignity was an indispensable prerequisite for harmony in any society. A State which ignored that basic principle would never achieve peace at home or abroad. Apartheid and racial discrimination must be overcome once and for all; blacks and whites must be able to live together in South Africa on equal terms.

19. Mrs. REGAZZOLI (Argentina) said that international peace and harmony were mankind's chief desire; her Government believed that they could be achieved only through full respect for human rights in their entirety, so that every nation might have social justice, economic freedom and political sovereignty. Peace was possible only when Governments complied with the free will of their peoples.

20. For the first time, the Commission could begin its deliberations on the situation in South Africa on a note of optimism, having heard the recent announcement by President de Klerk, which gave grounds for hope that an end to the odious apartheid régime was near. The event had been preceded by others, during the past year, such as the release of Walter Sisulu, the legalizing of anti-apartheid organizations and the removal of racial separation in some social spheres - signs that the racist régime was becoming aware that it would have to change in order to survive.

21. However, there was no escaping the gravity of the facts described in the Ad Hoc Group's interim report (E/CN.4/1990/7), such as the systematic violation, noted in chapter I, of the right to life and to physical integrity of the person. Examples of the deplorable events were the assassination of leaders of the anti-apartheid movement in 1989, which the authorities had hitherto failed to clarify; the very high number of death sentences, almost always executed on black citizens, following inadequate trials without right of appeal; disturbing conditions of detention, including ill-treatment of prisoners, as described in paragraphs 43 and 44 of the report, and cases of torture, referred to in paragraphs 58-64. The release of political detainees should be completely free from restrictions of the sort applied in some cases during 1989, such as house arrest or a ban on resuming employment or taking part in political activities.

22. Chapter II of the interim report noted the continued policy of "bantustanization" and forced population removals, which was causing endless suffering to the black population. The past year had also seen violations of the black peoples' rights to education and freedom of expression.

23. Chapter V of the report testified to the cruel treatment often meted out to detained black children and adolescents, who were denied such basic prisoners' rights as the right to read and study or communicate with the outside, and were often imprisoned together with adult common criminals. Her delegation reiterated the condemnation voiced by the Commission in previous years of those inhuman practices, which stemmed from the policy of apartheid.

24. Her delegation was particularly grateful to the Ad Hoc Group of Experts for the information provided about Namibia over the years, and looked forward to the report on its visit to post-colonial Namibia. It noted the conclusions and recommendations of the current report, in particular that the Commission should ask the Secretary-General to provide any advisory services and other appropriate forms of assistance in human rights that might be requested by the future Namibian Government.

25. As a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, her Government urged a greater number of States to ratify the Convention so as to make it a more efficient weapon against apartheid.

26. Her delegation fully supported the programme and purposes of the Second Decade to Combat Racism and Racial Discrimination. Symptoms of racism were unfortunately evident in many societies, not just South Africa, and there was a need for reflection on the links between that form of social pathology and economic and social injustice. Accordingly, it was essential to implement the actions decided on by the General Assembly, particularly the holding of seminars to promote racial tolerance and harmony and the dissemination of their conclusions.

27. South Africa could not fail to be affected by the winds of change blowing through Eastern Europe. Over the years, Argentina had been in solidarity with the struggle of the people of South Africa against apartheid. The changes taking place in that country could promote a peaceful transition, and she urged the South African authorities to pursue a course leading to the final and complete elimination of apartheid. It would be a serious mistake, however, if the reforms were intended merely to bring about a relative political liberalization while leaving untouched the unjust hegemony of the white minority. Apartheid must be totally abolished and replaced by a democratic and multiracial society. She agreed with Nelson Mandela that there would be no peace in South Africa until the principle of majority rule was fully established and the democratic rule of "one man, one vote" was applied.

28. Mrs. FATIQ (Bahá'í International Community) said that her organization commended the activities carried out by the United Nations during 1985-1989 with respect to the implementation of the programme of action for the Second Decade to Combat Racism and Racial Discrimination and earnestly supported the activities planned for the biennium 1990-1991.

29. Racism was an affront to human dignity which could not be countenanced under any pretext. Apart from its moral repugnance, it was not consonant with contemporary social realities and the dictates of an increasingly interdependent world. Previous notions of social equilibrium based on racial and ethnic homogeneity were no longer viable within the context of an emerging world civilization.

30. The only approach consonant with contemporary reality was an all-inclusive one, integrating and giving a legitimate place to hitherto marginalized racial and ethnic groups by fostering a spirit of mutual forbearance and reciprocity, an approach based on an unshakeable and universal consciousness of the fundamental oneness of the human race and implemented by appropriate practical measures.

31. With respect to the activities planned for the remainder of the Second Decade, the Community had the following observations to make: firstly, since - as the report of the Sub-Commission's Special Rapporteur on the First Decade to Combat Racism and Racial Discrimination noted (E/CN.4/Sub.2/1989/8) - the battle against theories of racial superiority predicated on biological grounds had been largely won, greater emphasis should be placed on the hidden and subconscious elements of racism. In other words, the social and spiritual dimensions of humanity's fundamental unity should be explored and recognized. Her organization concurred with the report's recommendation that the task should be undertaken by UNESCO in co-operation with the Centre for Human Rights and that attempts to introduce those insights into the world's educational systems should be intensified.

32. Furthermore, since a more far-reaching effort might be necessary in order to provide the proper pedagogical tools for combating racism, the Community recommended the development and implementation in individual countries of a universal, yet culturally adaptable, curriculum for teaching the organic oneness of humankind. In that connection, it welcomed the General Assembly's decision to convene, during the biennium 1992-1993, a round table of experts to discuss the preparation of teaching materials to combat racism and racial discrimination.

33. The Community commended the many outstanding activities of the United Nations and its agencies to focus attention on and to fill lacunae in international human rights law with respect to previously neglected groups such as indigenous peoples, migrant workers and their families, and minorities. The development of model laws by the Centre for Human Rights for the prevention of racial discrimination would be a welcome addition to the existing body of laws by providing Governments with voluntary standards with which national legislation could be harmonized. Such a process at the national level would mark a significant advance towards the development of a comprehensive global legal régime for combating racism and racial discrimination.

34. Mr. HAMMOND (Canada), noting that apartheid might at last be in retreat, said that the times demanded that the members of the Commission should look beyond ritualized condemnation of the many evils of apartheid and endeavour to make a real contribution to bringing about change in South Africa.

35. In December 1989, the General Assembly had taken up that challenge at its special session devoted to apartheid and had unanimously adopted standards for progress from preparatory steps to the broad outlines of a new dispensation. The recent statement by President de Klerk of South Africa to the Parliament constituted the first serious effort by that country's Government to address those standards.

36. Recalling that the General Assembly had called for unconditional release of all political prisoners, he said that the President had promised the early unconditional release of Nelson Mandela and the release of non-violent political prisoners. However, many would remain in prison for taking up arms against apartheid.

37. The General Assembly had also called for the unbanning of organizations and persons. The ANC, the PAC, the UDS and many other groups were currently free to operate and hundreds of individuals were able to speak out. It was to be hoped that the exiles would soon be able to return.

38. The General Assembly had wanted the troops removed from the townships. The South African Government had reduced military manpower and funding, placed the security system under civilian control and declared that the army would be phased out of the townships.

39. The General Assembly had also wanted the state of emergency lifted and the Internal Security Act abolished. In that regard, the President was lifting the media and education emergency regulations. It was to be regretted, however, that the state of emergency itself and the Internal Security Act still remained.

40. With regard to the General Assembly's call for an end to political trials and executions, President De Klerk had announced a moratorium on the death penalty and a review of all cases on the basis of much more stringent criteria.

41. It was clear, therefore, that the South African Government had removed many of the significant obstacles to normal political activity and had gone a long way towards creating a climate in which meaningful negotiations aimed at a non-racial democracy could take place. His Government both commended President de Klerk on those initiatives and paid tribute to all those in the black community whose tireless efforts to end apartheid had been rewarded with the first signs of a political spring in South Africa.

42. Canada was proud of its role in bringing about a measure of change in South Africa. The sanctions it and other countries had introduced had played a crucial part in convincing the white community of the need for a negotiated settlement. It had also contributed to the building of a new South Africa through its assistance programmes to strengthen education and skills; to promote dialogue against the racial divide; and to counter propaganda and censorship.

43. Apartheid had not ended, however. Its pillars, such as the Group Areas Act, the Population Registration Act, the Land Act and the Constitution itself were cemented in law. It continued to blight the lives of millions, white and black, both inside and outside South Africa.

44. President de Klerk himself had acknowledged the "tremendous challenges ahead" and stressed that there was no time to lose. It was to be hoped that he would move quickly, initially by completing the unfinished business left explicit in his statement, namely by lifting the state of emergency and releasing Nelson Mandela.

45. In the autumn of 1989, the Commonwealth Heads of Government had agreed to maintain international pressure until there was clear evidence of irreversible change in South Africa. Such a change might be beginning but its completion required changes in legislation and full freedom of consultation and planning by all parties to negotiations. Canada would therefore maintain its pressure to encourage further action to put an end to apartheid.

46. At the same time, it would be watching closely the implementation of the promises made by President de Klerk. Previous South African Governments had often failed to live up to their commitments, and caution was justified. His Government would be engaging in an intensified dialogue with both sides to encourage them to the negotiating table.

47. One aspect of negotiations did not depend on South Africa alone. Some four years previously, the Commonwealth Eminent Persons Group had called for a mutual suspension of violence on all sides to render negotiations possible. That concept remained a valid one and was reflected in the unaminous declaration of the General Assembly, at the special session devoted to apartheid.

48. Those who had the most to gain from negotiations must not retreat to tired old slogans. Rather they should signal that the mutual suspension of violence could be formalized without delay to allow negotiations to begin, the objective of the negotiations being nothing less than the dismantling of apartheid and its replacement by non-racial democracy.

49. President de Klerk had pledged that his Government would accord the process of negotiation the highest priority and that the aim was a totally new and just constitutional dispensation in which every inhabitant would enjoy equal rights, treatment and opportunity in every sphere of endeavour. He had invited a considerable number of parties to participate, had commissioned a study of possible constitutional models, and had left open the possibility of reintegrating the so-called independent homelands into South Africa.

50. While it was clear that negotiations would not be easy or short, they should begin forthwith and the preliminary stages must not be prolonged. Both white and black South Africans would have to reach into themselves to approach negotiations with generosity and without fear. President de Klerk, in particular, would find his leadership, courage and imagination severely tested. He had, however, demonstrated a capacity to grow in office and to convince his constituents that the risk of moving forward were exceeded only by those of standing still.

51. The international community had a role to play in the negotiations. It could maintain pressure, it could facilitate and encourage, it could provide any specific assistance, such as expertise, that might be requested by one or other of the parties and it could provide comprehensive assistance to build the new South Africa once a settlement had been reached.

52. Ultimately, however, it was for South Africans alone to negotiate. They, too, had the inalienable right of all peoples to determine their own future and no outside body, not even the United Nations, could prescribe what that future should be.

53. Mr. JEBARI (Morocco), said that, although many positive events were taking place throughout the world, some questions still remained to be resolved, for example, the situation in southern Africa, which constituted a threat to international peace and security. The report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) showed that the situation there still deserved special attention by the international community because the necessary changes had not yet taken place.

54. In that connection, while his delegation welcomed the recent statement by the President of South Africa, the steps he had undertaken and his announcement concerning the forthcoming release of Nelson Mandela, it must be borne in mind that those were only initial steps towards the eradication of apartheid in that country. The international community should carefully monitor the developments in South Africa. That would make it possible to end apartheid and secure equality of rights for all without any distinction whatever.

55. With regard to the situation in Namibia, the international community needed to provide effective guarantees that the Territory's independence would become a reality, in which connection, the United Nations should provide any financial support required.

56. It was noteworthy from the report by the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa (E/CN.4/Sub.2/1989/9 and Add.1), that there had been an increase in the number of transnational corporations which had disposed of their equity interests in South Africa, a situation which should lead to an improvement in the human rights situation there. Furthermore, some countries had enacted legislation restricting new investment in South Africa, which his Government regarded as a positive development.

57. With regard to agenda item 15, his Government, which was a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, pursued a policy aimed at combating racial discrimination in all its forms. It had no relations whatsoever with the South African Government, a position which was based on principle and was in accordance with relevant resolutions and the recommendations of the Group of Experts.

58. With respect to the study on the achievements made and obstacles encountered during the Decade to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1989/8 and Add.1), he commended the efforts made by the United Nations, the specialized agencies, intergovernmental and non-governmental organizations and Governments. In particular, he referred to measures adotped in the economic, social, cultural and political fields and the encouragement given to States to accede to the International Convention on the Elimination of All Forms of Racial Discrimination.

59. Morocco, an African country, followed a policy opposed to racism and racial discrimination and fully supported the action taken to ensure the successful implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

60. Mr. LEPRETTE (France) said that, at a time when the aspirations to freedom were becoming reality in various regions of the world, the maintenance of racism, the total negation of the ideals of humanism, tolerance, equality and justice, was all the more intolerable. In particular, his delegation reiterated its categorical condemnation of that institutionalized form of racism represented by the system of apartheid in South Africa.

61. The South African authorities were currently endeavouring to make the system more flexible, and his Government welcomed the several decisions announced by President de Klerk on 2 February 1990 including the imminent and

unconditional release of Nelson Mandela, although the date had not yet been announced; the lifting of the ban on several opposition parties, including the African National Congress, the Pan Africanist Congress of Azania and the South African Communist Party; the alleviation of the censorship of the media; and the suspension of capital punishment.

62. His Government hoped that the Pretoria authorities would go further and decide in the near future to lift the state of emergency and abolish unjustifiable measures such as the law on foreign financing, which was a pretext to monitor external support for the disadvantaged communities in South Africa. It also asked that an end be put to obstacles to the enjoyment of the fundamental human right of freedom of movement and to the "Bantustans" policy, and that all political prisoners be released.

63. That new context should make it possible to establish a genuine national dialogue and begin comprehensive substantive negotiations with the participation of all the component parts of South African society. The goal to be achieved could only be the total and definitive abolition of a system which, if maintained, would continue to create violence and compromise the future of all South African communities.

64. His country paid tribute to Nelson Mandela for the essential role he had played and would continue to play to achieve that goal.

65. The Pretoria Government had contributed to the holding, outside its borders, of free and fair elections on 5 November 1989 in Namibia. His delegation appealed to that Government to ensure that, in South Africa itself, it would definitively dismantle apartheid and finally establish a free and just society founded on democratic principles.

66. As was well-known, his Government had spared no effort in recent years to persuade the South African authorities to put an end to apartheid. Diplomatic approaches had been made unceasingly in favour of the victims of the arbitrary acts in South Africa and a whole series of restrictive measures had been adopted at the national and EEC levels.

67. His Government had been constantly concerned to help the victims of apartheid. Its programme of action in favour of those communities would amount to 15 million francs in 1990 and would cover all major sectors of activity either by training in a multiracial framework locally or through the award of scholarships in France.

68. While maintaining, for the moment, the existing restrictive measures, his Government believed that all possibilities for dialogue with the Pretoria Government should be explored in order to encourage it to establish freedom, equality and justice and to abolish all forms of racial discrimination.

69. Mr. ARTEAGA (Venezuela) said that his country's commitment to the cause of the peoples of southern Africa was irrevocable. Venezuela could not be indifferent to the destiny of peoples who for so long had struggled courageously for the full enjoyment of their fundamental rights.

70. After many years of intransigence and incomprehension, a new chapter of world history world was beginning. Respect for the dignity of peoples and the elimination once and for all of situations in which human rights were denied should be key elements in the search for a dialogue. As part of that trend, apartheid and all discriminatory and racist practices should be abolished forthwith.

71. His Government had followed with interest the recent events in South Africa. The release of Nelson Mandela, who had become not only the quintessential leader of his people but also a universal symbol, could no longer be postponed. The South African Government had also announced some other very relevant measures, such as the legalization of the African National Congress (ANC), the release of other political prisoners, the lifting of the state of emergency and the elimination of press curbs.

72. Those steps, though important, were not sufficient to normalize life in South Africa. Specific actions were needed to render possible full political participation of the African population and its organizations on an equal footing with the white minority. The measures announced could in no way be regarded as concessions granted to the black population by the South African Government. They constituted rather a sign that an outmoded and deplorable system was at long last adjusting to constant internal demands and international pressures. He could only hope, therefore, that the measures signified the beginning of a just and constructive dialogue in which the rights of the oppressed majority would once and for all be restored.

73. At the same time, the Commission must not slacken its efforts. The steps announced by the South African President should not be used to justify any kind of ties with the racist régime. It was incomprehensible that some Governments should maintain commercial and diplomatic relations with Pretoria, let alone provide military and financial assistance to it. Many such relations were strengthened by transnational corporations which helped to maintain the racist régime, as described in the Special Rapporteur's report (E/CN.4/1989/9 and Add.1).

74. The position taken by his country was not a new one, but was closely tied to its conduct in the international field. It was proud of its multi-ethnic population. There was no racial discrimination in Venezuela.

75. His Government had thus resolutely supported the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and had sponsored a propaganda campaign against racial discrimination. As part of its general approach to promoting freedom, democracy and the defence of human rights in all parts of the world, his Government maintained no relations of any kind with the racist South African Government.

76. He welcomed the fact that Namibia would soon be joining the international community as an independent and sovereign country. His Government would continue to be ready to provide any assistance it could for the establishment of a just, democratic, egalitarian and participatory State for all Namibians. Its army had been standing by to join, if needed, the UNTAG military component. In addition to providing assistance to Namibia, the international community should demand that the South African Government compensate the Namibian people for its years of colonial exploitation of that country.

77. Mrs. SEMICHI (Observer for Algeria) said that the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) provided irrefutable proof that apartheid, as a form of institutionalized racism, remained a subject of concern to the international community and required constant vigilance until it was completely dismantled.

78. The violations of human rights and the continued arrogance of whites in that part of the African continent knew no limits, as a result of the special ties which some countries, and a good many transnational corporations, maintained with South Africa in defiance of General Assembly and Security Council resolutions. The non-governmental anti-apartheid and other humanitarian organizations, which had striven to expose countries which maintained economic and commercial relations with Pretoria, deserved credit.

79. Often considered to be an ally of the Western world - a concept that had become slightly anachronistic - South Africa had hitherto enjoyed economic, commercial and strategic benefits which had enabled it to strengthen its industrial capacity and thus to subjugate nearly 30 million of its citizens, who were deprived of their fundamental rights and territorial integrity, their freedom of movement and the benefits of the country's economic progress.

80. In recent months, some new trends had emerged, and the international community could not fail to take note of the new direction taken by the authorities, while awaiting the implementation of the measures announced. It was rightly feared, however, that those measures were merely cosmetic changes, intended to convey the impression that the South African régime was moving towards greater tolerance and the acceptance of cohabitation between the communities.

81. There was no denying that the new developments were, above all, the result of the constant struggle by the black population and the internal resistance of apartheid. At the international level, such developments were due essentially to the pressure exerted by the United Nations and its various organs.

82. Such pressure had been reflected in economic sanctions which had led to a decrease in certain kinds of foreign investment in South Africa. However, as shown by the report on the adverse consequences of assistance given to the racist régime of South Africa (E/CN.4/Sub.2/1989/9 and Add.1), a sober assessment of the results of the policy of isolating the upholders of apartheid was called for.

83. A particularly negative example in that regard was the complicity between the racist minority régime of Pretoria and the Zionist régime in the military field, and more especially the nuclear field. Not only did Isreal provide South Africa with practical assistance in strengthening measures to repress popular uprisings, it had also assisted South Africa to acquire a nuclear arsenal in violation of General Assembly decisions. That was a threat not only to security in Africa but also to international peace and security.

84. The international community should be equally cautious in its assessment of the process under way in Namibia and should exercise vigilance with regard to the full implementation of the United Nations plan for the independence of Namibia and the preservation of its territorial integrity.

85. The conservative resistance in South Africa to the changes announced was significant of the efforts that were still needed there. It was incumbent, therefore, upon the United Nations, and more particularly upon the Commission, to underline the superficial nature of the concessions made so far and point out that only a fundamental uprooting of the legal structure of apartheid could lead to a normalization of life in the region and to an era of real co-operation between the black majority and the white minority within a single nation.

86. Miss BOZHKOVA (Bulgaria) said that her Government had followed the situation in southern African closely and with grave concern, consistently pointing out that the existence of apartheid and its policies in South Africa was the source of the conflict. The anachronism of such policies was all the more obvious against the backdrop of the new positive trends in international relations.

87. The heroic struggle of the peoples of southern Africa against the apartheid régime and the support of the entire international community for that struggle had compelled the South African Government to announce some "fundamental reforms". She hoped that those reforms would not be merely cosmetic and would lead to the abolition of the white minority's monopoly of power, rather than a mere "modernizing" of the apartheid system, based on the absolute control by whites of the country's economic resources. The need to dismantle apartheid was indispensable as a first step towards the building of a democratic society in South Africa, which would guarantee the enjoyment of human rights and fundamental freedoms to all the people of that country.

88. Although her delegation could not but feel encouraged by certain steps, such as the release of well-known political prisoners, the promised repeal of some apartheid laws, the lifting of the ban on major anti-apartheid organizations and the loosening of press controls, it was deeply concerned at the continuing oppression and violence described in the report of the Ad Hoc Working Group of Experts (E/CN.4/1990/7). It took the view, therefore, that until the apartheid system had been totally abolished, concerted efforts by the international community as a whole continued to be necessary. In keeping with its position of principle, her country maintained no relations of any kind with South Africa.

89. Bulgaria had always supported the anti-racist movement in South Africa, a movement which was gaining strength despite the repression to which it was subjected. She emphasized the importance of the activities of all anti-apartheid organizations and expressed firm support for their just cause. In particular, she drew attention to the long, difficult and heroic struggle of the African National Congress (ANC) and called for the immediate and unconditional release of its leader, Nelson Mandela. No one could deny any longer that the ANC played a primary role in the anti-apartheid movement. Further evidence of that was the vast international support for the ANC plan to create a united, non-racist and democratic State in South Africa.

90. Bulgaria had always stood by the peoples of South Africa, Namibia and the Front-Line States fighting for the total and final elimination of apartheid. Her Government welcomed the elections held in Namibia and commended the United Nations on successfully carrying out an extremely important and responsible mission there, aimed at guaranteeing the right of the Namibian people to self-determination and independence.

91. A tangible contribution to the elimination of racism and apartheid would be the strict observance and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Suppression and Punishment of the Crime of Apartheid, as well as the efforts to achieve broader ratification of those international instruments.

92. In that connection, her delegation had closely studied the report of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1990/35), and was ready to support its recommendations.

93. Mr. RATSIRAHONANA (Madagascar) said that his country, which had always stood by the black community of South Africa in its moments of pain and suffering, shared its joy at the legalization of the African National Congress (ANC) and at the imminent release of its historic leader, Nelson Mandela, which constituted a positive step in the struggle waged by the black community and all those States that had worked for the eradication of apartheid. Its delegation welcomed the measures announced, which were the prelude to real negotiations.

94. More than ever before, the international community was duty-bound to work towards the abolition of apartheid and to refuse any attempt to reform it. Apartheid could be dismantled effectively only if the black community participated in the management of political affairs, enjoyed the same rights as those of the white community and benefited from the principle of one man, one vote. Those conditions did not exist as yet.

95. Consequently, the measures adopted or announced by the Government of South Africa constituted only a very partial victory. The long list of human rights violations contained in the interim report of the Ad Hoc Group of Experts on southern Africa (E/CN.4/1990/7) was a striking proof that human rights were still far from being respected in South Africa. His delegation was particularly incensed by the information in chapter V on the treatment of children and adolescents.

96. Thus, pressure must continue to be brought to bear on the Government of South Africa, and comprehensive and mandatory economic sanctions remained necessary. It was regrettable that military, financial and economic asssistance was still being extended to the South African régime.

97. Although the ANC and other political parties would theoretically be allowed to exercise their activities in South Africa, his delegation wondered whether such rights could be enjoyed in practice under the continuing state of emergency, the repeal of which would create a climate of confidence conducive to the initiation of negotiations.

98. Mr. ELARABY (Observer for Egypt) said that recent developments in South Africa had demonstrated the importance of the struggle waged by the black majority to resist racist oppression and injustice and had highlighted the role of the international community in defending the rights of the South African population. The interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) documented a wide range of human rights violations, ranging from restrictions on the freedom of residence and movement to denial of the right to political representation. Repression would continue in the future, the Government of South Africa having extended the state of emergency.

99. Despite recent positive developments, the changes announced were only superficial in nature, and the elimination of racial discrimination and the creation of a system based on the equality of all citizens was not possible without radical change. That meant the repeal of those laws that institutionalized discrimination and the holding of elections based on the principle of one man - one vote.

100. The right to development was a prerequisite for a dialogue between North and South and a rapprochement between East and West. Such a right could only be realized in South Africa, however, if human rights were respected.

101. The elections held in Namibia in November 1989 had highlighted the effective role of the United Nations, and the Organization should continue its efforts in that country. The encouraging developments in question had been the fruit of the struggle waged by the Namibian people and of international pressure.

102. In that context, the best way to fight apartheid peacefully was through a political, economic and military boycott. It was unacceptable to re-evaluate sanctions against South Africa, and it was regrettable that certain States had replaced others that had halted their relations with South Africa. Sanctions must continue until apartheid was completely eradicated and the black population achieved complete enjoyment of its political and civil rights. States, transnational corporations and financial institutions must shoulder their responsibility with regard to their transactions with South Africa. The work of the Sub-Commission's Special Rapporteur on assistance to the colonial and racist régime in southern Africa must continue, and the United Nations must provide him with all the help he needed.

103. Only 88 States had so far ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid, and it was to be hoped that all States that condemned apartheid would accede to that Convention, would help to reactivate the role of the Committee on the Elimination of Racial Discrimination and would extend financial support to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. The Secretariat must also step up its efforts to provide assistance in that area. The human rights budget, which amounted to a mere 1 per cent of the regular budget, must be increased accordingly.

104. His Government supported the plan of action adopted by the Council of Ministers of the Organization of African Unity at its fiftieth session in July 1989 calling for an end to the repression, the establishment of a democratic system, the termination of military co-operation between Israel and South Africa and the implementation of mandatory sanctions. The international community must continue its efforts to bring about radical change and an eradication of the apartheid system so as to put an end to the suffering of the South African people.

105. Mr. D'ALMEIDA (Observer for Togo) said that the slight changes currently being introduced in South Africa had lulled certain observers into the mistaken belief that the racist régime would abolish apartheid. In its latest report (E/CN.4/1990/7), the Ad Hoc Working Group of Experts on southern Africa had clearly documented the unabated repression of the black South African population over the past year and the lack of improvement in the human rights situation in that country. The state of emergency, which was still in force, had recently led to an escalation of violence.

106. A settlement of the South African problem must remain a matter of high priority for the Commission. The United Nations must continue to work towards putting an end to apartheid, which was the principal cause of instability and violence in southern Africa. Until then, there would be no real peace in the region.

107. The international community must maintain its support for the struggle waged by movements within South Africa, and to that end, the anti-apartheid assistance programmes must be continued and stepped up. Apartheid could not be reformed, it must be abolished, and the international community must therefore maintain its political, diplomatic and economic pressure on Pretoria to take peaceful steps without delay towards the creation of a non-racial society based on the principles of equality and democracy. International pressure must not flag until a dialogue was initiated with the leaders of the black majority. After all, constant international pressure had helped compel the Government of South Africa to take its recent steps.

108. His Government reiterated its call for an immediate and unconditional release not only of Nelson Mandela but of all political prisoners in South Africa. Recent developments might create a climate conducive to a dialogue with a view to the prompt establishment of a system ensuring civil, political, peaceful and stable co-existence, but good intentions must be translated into practical and effective acts.

109. Mrs. LYAGOUBI-OUAHCHI (Observer for Tunisia), having expressed her delegation's satisfaction at the success of the Namibian elections held in November 1989 with the help of the United Nations, paid tribute to the heroic struggle of the Namibian people which, under the leadership of the South-West African People's Organization (SWAPO), had made heavy sacrifices in its quest for freedom and independence. The events there proved that justice would always prevail over repression. Tunisia prided itself on being one of the most staunch and constant supporters of the Namibian cause. Nevertheless, the independence of Namibia had not yet been fully achieved, and the international community must watch out for any attempt to destabilize the region.

110. The major changes taking place on the international scene should prompt the international community to redouble its efforts to meet the General Assembly's commitment to dismantle apartheid. As long as the apartheid system survived, peace and security were in jeopardy throughout southern Africa.

111. The unconditional release of Nelson Mandela, announced by President de Klerk on 2 February 1990, should take place forthwith. His continued detention despite the imminent legalization of the ANC could only be interpreted as a delaying tactic, just as the suspension of executions was, in fact, only a moratorium. Furthermore, it must be remembered that the state of emergency was still in force, and that not all political prisoners had been released.

112. To be credible, the proposed reforms must change the very nature of the apartheid régime. Spradic and staggered measures would, in the eyes of world public opinion, be merely a ruse to help South Africa escape from its isolation. Only when equality between the races was anchored in the constitution and racist laws were abolished would apartheid be eradicated. The continuation of apartheid, a crime against humanity, constituted a genuine threat to international peace and security.

113. Thus, the international community must be more vigilant with regard to human rights violations. The implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination was the appropriate framework for alerting public opinion to the abject nature of apartheid and increasing the pressure until a free democratic system was established in which the majority could fully exercise its political and civil rights and freely determine its form of economic, social and cultural development.

114. As part of its steadfast support for the peoples of southern Africa in their struggle against all forms of colonialism, domination and exploitation, his Government had organized on 11 December 1989 at Tunis a round table on solidarity with the peoples of South Africa in their struggle against apartheid, on the occasion of the forty-first anniversary of the Universal Declaration of Human Rights. That event had culminated in an appeal to the international community to: generalize and enforce comprehensive economic sanctions; intensify support for all initiatives to abolish apartheid and all other forms of racial discrimination; encourage the dialogue between white South African democrats and the ANC; demand the lifting of the state of emergency and recognition of all anti-apartheid movements; demand the immediate and unconditional release of Nelson Mandela and all other political prisoners; help set up a non-racial and democratic régime in South Africa; and disseminate anti-racist values through educational programmes in schools and universities and in the mass media.

115. The participants had also expressed their great concern at the military and strategic alliance between South Africa and Israel.

116. The Commission must continue to intensify its activities to promote true respect for human rights in South Africa until apartheid was completely eradicated and a democratic and egalitarian society established.

The meeting rose at 1 p.m.